IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 773 of 1999

in

SPECIAL CIVIL APPLICATION No 9411 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT WORKING CLASS UNION

Versus

GUJARAT NARMADA VALLEY FERTILIZERS CO LTD.

Appearance:

1. LETTERS PATENT APPEAL No. 773 of 1999

MR SHALIN MEHTA for MR GIRISH PATEL ASSOC for Appellant

MR PA MEHTA for NANAVATI ASSOCIATES for Respondent No. 1

MR HD DAVE AGP for Respondent No. 2

RULE SERVED for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 03/12/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Learned counsel, Mr.Shalin Mehta for the appellants, seeks permission to withdraw this appeal in view of the Reference Nos.28/94 and 199/94 pending before the learned Industrial Tribunal, Vadodara, with a request that the said References be decided by the learned Industrial Tribunal as early as possible and without being swayed away by the observations made by the learned Single Judge in the main writ petition and the interim orders passed on Civil Application filed in this Letters Patent Appeal.

Mr.Prabhav Mehta, learned counsel for respondent No.1, under instruction from his client, has no objection to it. Mr.Dave, learned AGP for the respondent-State of Gujarat, which is a formal party, has no objection for the withdrawal of this appeal.

Accordingly, this appeal is dismissed as withdrawn with a direction to the Industrial Tribunal to expedite the hearing of Reference Nos.28/94 and 199/94 as they are old References of 1994. It goes without saying that the learned Industrial Tribunal will decide both the References strictly in accordance with law, after hearing learned counsel for the parties on the material placed before it in those two References without being swayed away by any observations made by the learned Single Judge of this court while deciding the Special Civil Application or any observations made on the Civil Application filed in this Letters Patent Appeal.

After above order was passed, Mr.Nanavati has brought to our notice that there is an interim order passed by the competent Tribunal staying the proceedings in those references. While disposing of both the references, learned Industrial Tribunal may keep in mind the interim order passed in it.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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